

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

IN RE:)	CASE NO. 13-40435-KW
)	
LYNDA KAY BARNETT)	JUDGE KAY WOODS
CARL AUSTIN BARNETT)	
)	CHAPTER 7
Debtors)	

**MOTION TO SELL CERTAIN REAL ESTATE INTEREST OF THIS ESTATE FREE
AND CLEAR OF CERTAIN LIENS**

NOW COMES Andrew W. Suhar, Chapter 7 Trustee in the above-captioned proceeding ("Movant"), and pursuant to 11 U.S.C. §363(b) and (f) of the United States Bankruptcy Code, moves the Court for order selling certain real property of this estate free and clear of all liens, encumbrances and other interests except for a certain first mortgage on a portion of said real estate. In furtherance hereof, Movant states as follows:

1. This case commenced by the filing of a voluntary petition under Chapter 7 of the Bankruptcy Code on March 7, 2013. Movant is the duly appointed, qualified and acting Chapter 7 Trustee in this proceeding.

Background

2. This estate has an interest in three (3) parcels of real estate:

Parcel 1 – Parcel ID number 67-00469.000 (8.0 acres located at 5318 Jimtown Road, East Palestine, Ohio)("Parcel 1") – Parcel 1 contains the Debtors residential real estate. The description of Parcel 1 is set forth in the attached Exhibit "A" from the Columbiana County Auditor's website.

Parcel 2 – Parcel ID number 67-00512.000 (20 acres located on Jimtown Road, East Palestine, Ohio)("Parcel 2") – Parcel 2 contains certain vacant land adjoining Parcel 1. The description of Parcel 2 is set forth in the attached Exhibit "B" from the Columbiana County Auditor's website.

Parcel 3 – Parcel ID number 67-00098.000 (located at 5386 Jimtown Road, East Palestine, Ohio)("Parcel 3") – This estate has a 1/3 interest in Parcel 3. The description of Parcel 3 is set forth in the attached Exhibit "C" from the Columbiana County Auditor's website.

3. The title and lien search concerning Parcel 1 and Parcel 2 is attached hereto and marked as Exhibit "D".

4. The title and lien search concerning Parcel 3 is attached hereto and marked as Exhibit "E".

5. Movant initiated Adversary Proceeding Case No. 14-4025 having the caption Andrew W. Suhar, Chapter 7 Trustee vs Carol L. Ratkovich, et al. to determine the validity, priority and extent of all liens, encumbrances and other interests as it relates to Parcel 3.

6. Movant has received an offer from Caraga, Ltd to purchase this estate's interest in mineral rights of Parcel 1 free and clear of all liens, encumbrances and other interests, Parcel 2 free and clear of all liens, encumbrances and other interests except for the first mortgage AmerUs Home Lending, Inc., and the estate's undivided 1/3 interest in Parcel 3 free and clear of all liens, encumbrances and other interests, for the amount of \$33,000.00.

The Sale

7. Movant believes that the only lien attaching to the mineral interest of Parcel 1, is that of The Internal Revenue Service by virtue of its tax lien. Nonetheless the sale of the mineral interest of Parcel 1 will be "AS IS" and "WHERE IS" subject to all encumbrances except that of The Internal Revenue Service. The lien of The Internal Revenue Service will attach to the proceeds of sale. The Internal Revenue Service has agreed to a carveout of 5% for the benefit of this estate plus all costs of administration.

8. With regard to Parcel 2, the purchaser is buying Parcel 2 subject to the first mortgage of AmerUs Home Lending, Inc. but free and clear of all other liens, encumbrances and other interest. Movant believes that the other liens are set forth in Exhibit "D" and specifically The Internal Revenue Service. The lien of the Internal Revenue Service will attach to the proceeds of sale. The Internal Revenue Service has agreed to a carveout of 5% for the benefit of this estate plus all costs of administration.

9. With regard to the estate's interest in Parcel 3, the purchaser has agreed to purchase this estate's undivided 1/3 interest in Parcel 3 free and clear of all liens, encumbrances and other interests. Movant states that the first and best lien encumbering this estate's interest in Parcel 3 is that of The Internal Revenue Service and that The Internal Revenue Service has agreed to a carveout of 5% for the benefit of this estate plus all costs of administration.

Relief Requested

10. Movant prays the Court enter an order authorizing the sale of this estate's interest in Parcel 1, Parcel 2 and Parcel 3 under the terms and conditions hereinbefore described. Movant further prays the Court authorize this sale subject to any higher and better offers under the same terms and conditions. Movant will be soliciting higher and better offers via an online auction through Ronald Roman of George Roman Auctioneers, Ltd./WRVE Auction, Inc. up to the day before the hearing hereon.

11. Movant states that he believes that the terms and conditions hereinbefore described maximize the amount to this estate when taking into account the first mortgage on Parcel 1 and Parcel 2 and when taking into account this estate's undivided 1/3 interest in Parcel 3. Nonetheless, Movant states that he is making this request subject to obtaining higher and better offers under the same terms and conditions.

WHEREFORE, Andrew W. Suhar, Chapter 7 Trustee, prays the Court enter an order authorizing the sale of this estate's interest in Parcel 1, Parcel 2 and Parcel 3 pursuant to 11 U.S.C. §363(b) free and clear of certain liens, encumbrances and other interest to Caraga, Ltd. for \$33,000.00 subject to higher offers as hereinbefore described. Movant further prays the Court grant him such other and further relief as the Court deems equitable and just.

Respectfully submitted,

/s/ Andrew W. Suhar

ANDREW W. SUHAR, ESQ. Reg. No. 0058419

Chapter 7 Trustee

29 East Front Street

P.O. Box 1497

Youngstown, Ohio 44501-1497

Telephone: (330) 744-9007

Facsimile: (330) 744-5857

E-mailed: asuhar@suharlaw.com

CERTIFICATE OF SERVICE

I HEREBY certify that on this 6th day of October, 2016, a true and correct copy of the **Motion to Sell Certain Real Estate Interest of this Estate Free and Clear of Certain Liens** was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Office of the United States Trustee at (Registered address)[@usdoj.gov](mailto:usdoj.gov)

Gordon E Schmid gschmid01@yahoo.com

Gilbert B Weisman NOTICES@BECKET-LEE.COM

Via Certified U.S. Mail to:

Larry E. Britton
610 10th Street
Selinsgrove, PA 17870

Carol L. Ratkovich
6547 Justison Road
East Palestine, OH 44413

Via regular U.S. Mail, postage prepaid, to:

Weitz & Luxenberg, P.C.
700 Broadway
New York, NY 10003

Internal Revenue Service
Insolvency Group 6
1240 East Ninth Street, Room 493
Cleveland, OH 44199

Carl Austin Barnett
Lynda Kay Barnett
5318 Jimtown Road
East Palestine, OH 44413

Steve Paffilas, Esq.
United States Attorney's Office
Carl B. Stokes US Courthouse
801 West Superior Avenue
Suite 400
Cleveland, OH 44113-1852

Ronald Roman
22 West Main Street
Canfield, OH 44406

Ohio Department of Taxation
Attn: Bankruptcy Division
PO Box 530
Columbus, OH 43216-0530

Caraga, Ltd.
221 S. Main Street
Poland, OH 44514

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

State of Ohio, Office of the
Attorney General
Collection Enforcement Section
Attn: Bankruptcy Staff
150 E. Gay Street, 21st Floor
Columbus, OH 43215

And by regular U.S. Mail, postage prepaid to the following creditors that filed claims by the bar date:

IRS

Kansas City, MO 64999

First National Bank of Omaha
1620 Dodge Street Stop Code 3105
Omaha, NE 68197

Huntington National Bank
PO Box 89424
Cleveland, OH 44101

PYOD, LLC its successors and
Assigns as assignee of Roundup
Funding, LLC – Resurgent Cap Svc
PO Box 19008
Greenville, SC 29602

Seven Seventeen Credit Union
3181 Larchmont Avenue
Warren, OH 44483

PYOD, LLC its successors and
Assigns as assignee of B-Line, LLC
Resurgent Cap Svc
PO Box 19008
Greenville, SC 29602

Ohio Department of Taxation
Bankruptcy Division
PO Box 530
Columbus, OH 43216

/s/ Andrew W. Suhar
ANDREW W. SUHAR, ESQ. Reg. No. 0058419
Chapter 7 Trustee

5318 JIMTOWN RD

67-00469.000

General Info Tax History Distribution Levy Tax Estimator

Property Information

Parcel ID	67-00469.000	Property Address:
Owner Name	BARNETT CARL A &/OR LYND K	5318 JIMTOWN RD
Owner Address		
Tax District	67 UNITY TWP-E PALESTINE CSD	Tax Payer Address:
School District	1505 EAST PALESTINE CSD	CORELOGIC
Neighborhood	10101 UNITY TWP GENERAL	1 FIRST AMERICAN
Use Code	510 One Family Dwelling	WAY
Acres	8.00000	WESTLAKE TX
		76262
		USA
Description	1 8 36 S 1/2 NW 1/4 8.00AC AFFIDAVIT OF ABANDONMENT FOR MINERALS 6/28/11 (SEE SCANNED IMAGE)	

Current Value				Recent Transfer	
Board of Revision	N	Mkt Land Value	\$34,400	Account Number	67-00X36.064000
Homestead/Disability	Y	CAUV	\$0	# Parcels	0
2.5% Reduction	Y	Mkt Impr Value	\$52,500	Deed Type	0
Divided Property	N	Total	\$86,900	Amount	\$0
New Construction	N	Current Tax		Sale Date	1/1/1900
Foreclosure	N	Annual Tax *	\$771.76	Conveyance	
Other Assessments	N	Paid **	\$771.76	Deed #	
Front Ft.	0	Delq	\$0.00		

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Dwelling Information

Sq Ft Finished	896	Room Count	5	Fireplace(s)	0
1st Floor Area	448	Story Height	2	Year Built	1900
Upper Floor Area	448	# Bedrooms	3	Year Remodeled	0
Half Story Area	0	Full Baths	1	Grade	90
Attic Area	0	Half Baths	0	Style	Single Fam
Finished Basement	0	Heating	Oil	Ext Walls	Fr
Basement Type	Full Basement	Air Cond	None		

Land

Land Type	Acres	Square Ft.	Actual Frontage	Eff. Frontage	Depth	No Of Units	Value
R7Balance Resid. Land 25 -	29.997	0.00000	0	.00000	.00000	0	\$17,500
HSHome Site	1.00000	0	.00000	.00000		0	\$18,000

CAUV Land

No CAUV Land On This Property

Legal Disclaimer

Card - 1

Improvements

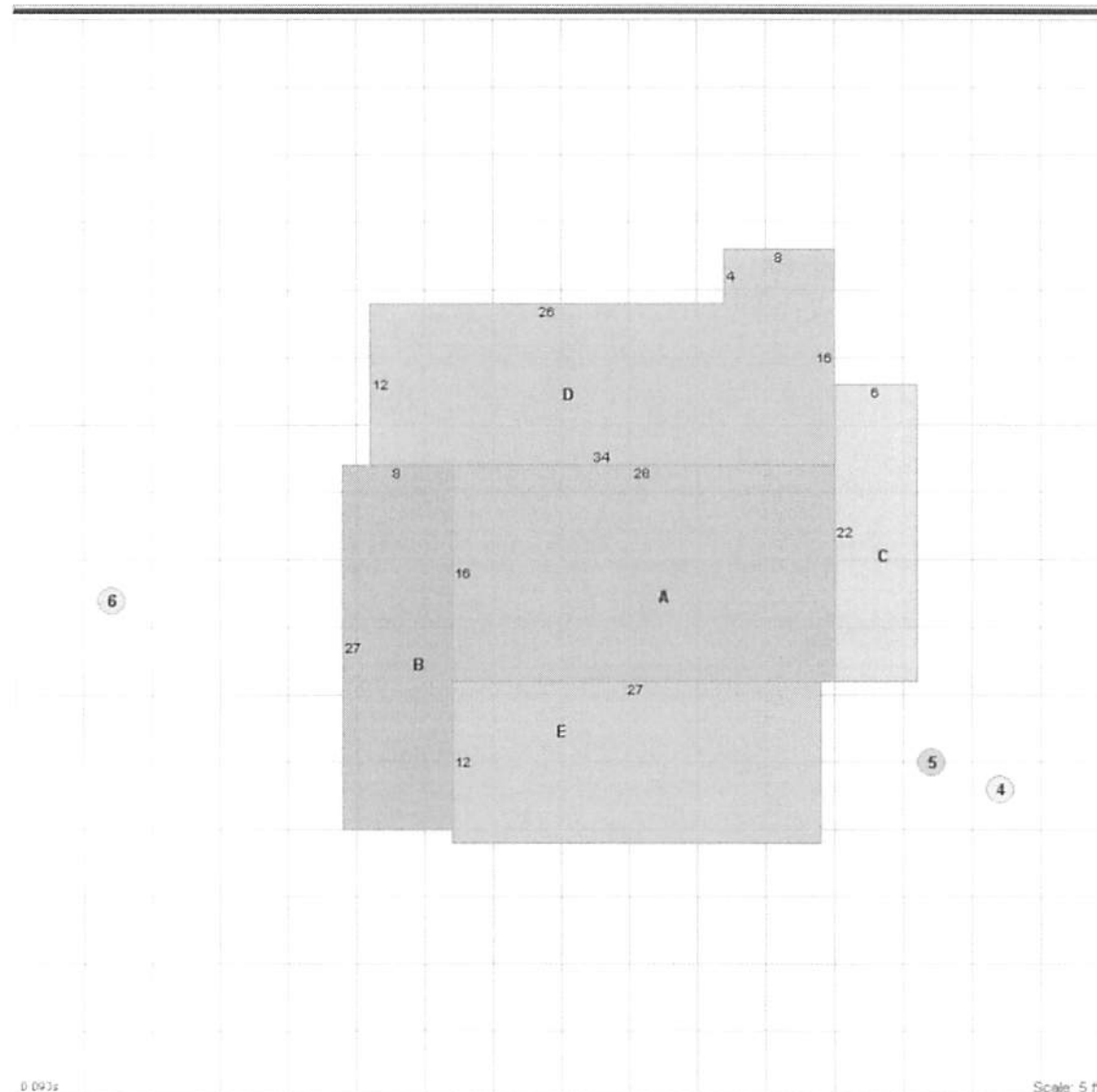
IMPR Type	Description	Area	Length	Width	Year Built
Addition	1 Story Fr Addition	324 SQ FT			
Addition	1 Story Fr Addition	440 SQ FT			
Addition	Basement Addition	324 SQ FT			
Addition	Open Fr Porch	216 SQ FT			
Addition	Wood Deck	122 SQ FT			

EXHIBITtabbles
"A"

IMPR Type	Description	Area	Length	Width	Year Built
Other Improvement	Detch Cc Bl Garage	720	30	24	1930
Other Improvement	Flat Barn	294	21	14	1930
Other Improvement	Swimming Pool	648	36	18	1984

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-- Card 1



D 093s

Scale: 5 ft

ID	Label	Area	Perimeter	Dimension
A	$\frac{2 \text{ s Fr}}{B}$	448	88	N/A
B	OFF	216	70	N/A
C	WDDK	132	56	N/A
D	1SFRA	440	100	N/A
E	$\frac{1SFRA}{BA}$	324	78	N/A
4		0	0	
5		0	0	
6		0	0	

JIMTOWN AVE

67-00512.000

General Info Tax History Distribution Levy Tax Estimator

Property Information

Parcel ID	67-00512.000	Property Address:
Owner Name	BARNETT CARL A &/OR LINDA BARNETT	JIMTOWN AVE
Owner Address		
Tax District	67 UNITY TWP-E PALESTINE CSD	Tax Payer Address:
School District	1505 EAST PALESTINE CSD	** TIP/ESCROW **
Neighborhood	10101 UNITY TWP GENERAL	
Use Code	100 Agr Vacant Lot	
Acres	20.00000	USA
Description 1 8 36 SE PT NW 1/4 20.00 AC AFFIDAVIT OF ABANDONMENT OF MINERALS 6/28/11 (SEE SCANNED IMAGE)		

		Current Value		Recent Transfer	
Board of Revision	N	Mkt Land Value	\$16,200	Account Number	67-00X36.065000
Homestead/Disability	N	CAUV	\$0	# Parcels	1
2.5% Reduction	N	Mkt Impr Value	\$0	Deed Type	17189
Divided Property	N	Total	\$16,200	Amount	\$12,000
New Construction	N	Current Tax		Sale Date	11/12/1991
Foreclosure	N	Annual Tax *	\$207.35	Conveyance	00000
Other Assessments	N	Paid **	\$184.77	Deed #	
Front Ft.	0	Delq	\$0.00		

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Land						
Land Type	Acres	Square Ft.	Actual Frontage	Eff. Frontage	Depth	No Of Units Value
R7Balance Resid. Land 25 - 29.99	20.00000	0	.00000	.00000		0 \$15,000

CAUV Land

No CAUV Land On This Property

Legal Disclaimer

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Improvements

IMPR Type	Description	Area	Length	Width	Year Built
No Improvements Found					

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-- Card 1

EXHIBIT

"B"



5386 JIMTOWN RD

67-00098.000

General Info Tax History Distribution Levy Tax Estimator

Property Information

Parcel ID	67-00098.000	Property Address:	5386 JIMTOWN RD
Owner Name	RATKOVICH CAROL L @ (3)	Tax Payer Address:	C/O LYNDA BARNETT
Owner Address	5386 JIMTOWN EAST PALESTINE OH 44413		5318 JIMTOWN RD
Tax District	67 UNITY TWP-E PALESTINE CSD		EAST PALESTINE OH 44413
School District	1505 EAST PALESTINE CSD		USA
Neighborhood	10101 UNITY TWP GENERAL		
Use Code	510 One Family Dwelling		
Acres	1.00000		
Description	1 8 36 SE NW 1/4 (5386 JIMTOWN RD) 1.00A		

Current Value				Recent Transfer	
Board of Revision	N	Mkt Land Value	\$17,500	Account Number	67-00X36.066000
Homestead/Disability	N	CAUV	\$0	# Parcels	1
2.5% Reduction	N	Mkt Impr Value	\$26,100	Deed Type	5550
Divided Property	N	Total	\$43,600	Amount	\$0
New Construction	N	Current Tax		Sale Date	9/4/2009
Foreclosure	N	Annual Tax *	\$610.97	Conveyance	
Other Assessments	N	Paid **	\$606.47	Deed #	6004
Front Ft.	0	Delq	\$330.02		

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Card 1 of 1

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Dwelling Information

Sq Ft Finished	1223	Room Count	4	Fireplace(s)	0
1st Floor Area	1223	Story Height	1	Year Built	1872
Upper Floor Area	0	# Bedrooms	2	Year Remodeled	0
Half Story Area	0	Full Baths	1	Grade	80
Attic Area	0	Half Baths	0	Style	Single Fam
Finished Basement	0	Heating	Forced Air	Ext Walls	Fr
Basement Type	Full Basement	Air Cond	None		

Land

Land Type	Acres	Square Ft.	Actual Frontage	Eff. Frontage	Depth	No Of Units	Value
HSHome Site	1.00000	0	.00000	.00000		0	\$18,000

CAUV Land

No CAUV Land On This Property

Legal Disclaimer

Card - 1

Improvements

IMPR Type	Description	Area	Length	Width	Year Built
Addition	1 Story Fr Addition	63 SQ FT			
Addition	Open Ms Porch	63 SQ FT			
Other Improvement	Detch Fr Garage	480	32	15	1940
Other Improvement	Flat Barn	432	36	12	1930
	Attached Storage Structure			12	1940

EXHIBIT

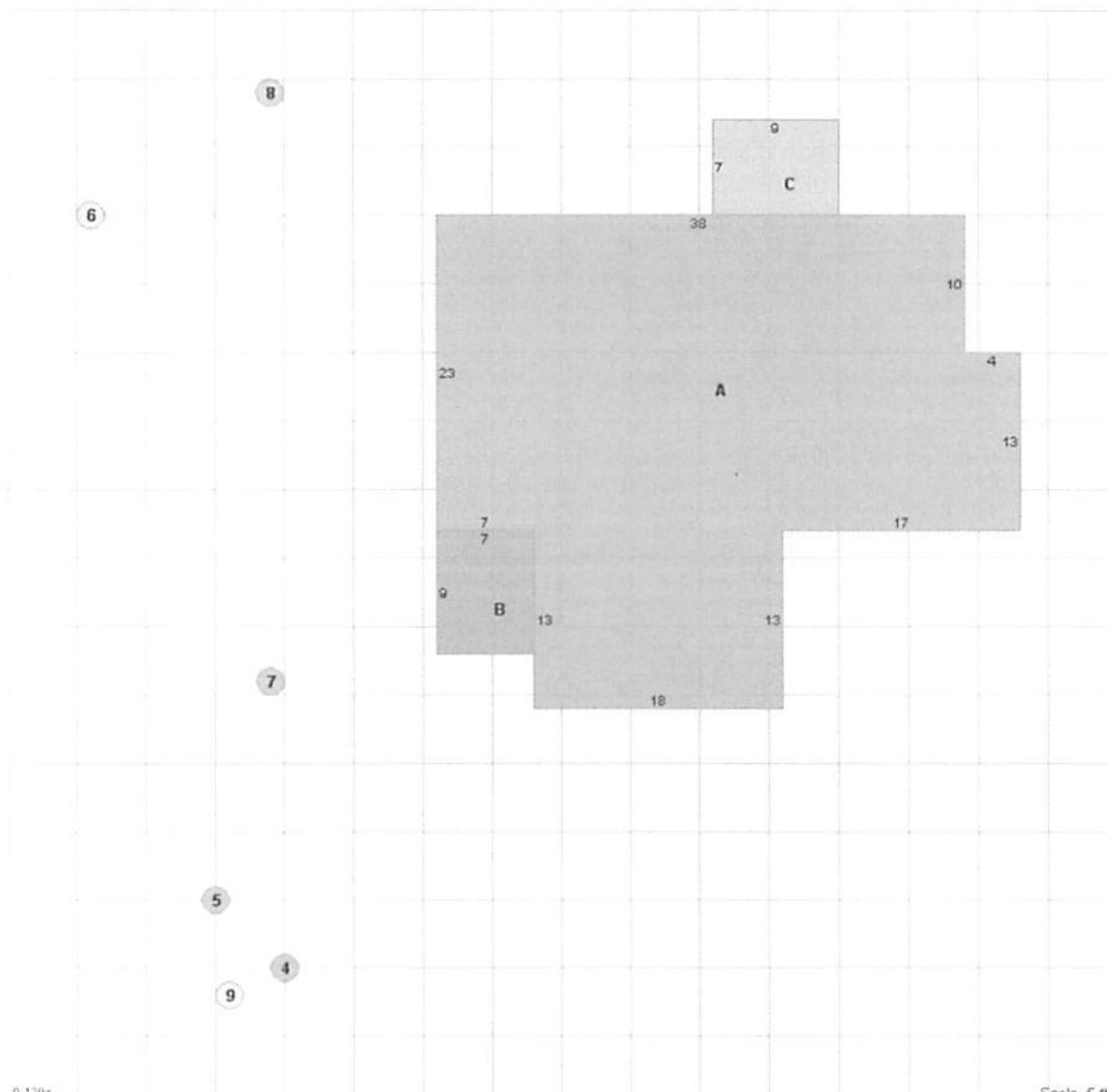
tabbies

"C"

IMPR Type	Description	Area	Length	Width	Year Built
Other Improvement					
Other Improvement	Attached Storage Structure	286	26	11	1940
Other Improvement	Picnic Shelter	260	20	13	1950
Other Improvement	Tool Shed or Small Barn	198	22	9	1910

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-- Card 1



ID	Label	Area	Perimeter	Dimension
A	$\frac{1 \pm Fr}{B}$	1160	166	N/A
B	OMP	63	32	N/A
C	$\frac{1SFRA}{1 \pm Fr}$	63	32	N/A
4		0	0	
5		0	0	
6		0	0	
7		0	0	
8		0	0	
9		0	0	

Daniel J. Mumaw, Attorney at Law
7178 West Boulevard, Suite A
Youngstown, Ohio 44512
(330) 629-8860
Fax (330) 629-2480
acstitle@zoominternet.net

PRESENT OWNERS SEARCH

To: Attorney Andrew W. Suhar
Mariruth Stewart
P.O. Box 1497
Youngstown OH 44501
Fax: (330) 744-5857

File No. 13-20128

PROPERTY ADDRESS: 5318 Jimtown Road
East Palestine, OH 44413

The undersigned certifies that I have examined the records of Columbiana County from November 10, 1980 @ 11:49 a.m. through May 1, 2013 at 7:59AM, and in my opinion, the fee simple title to the premises described in attached Exhibit A is in:

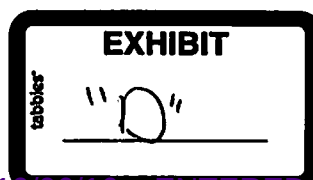
Carl A. Barnett and Lynda K. Barnett aka Linda Barnett

Previous Deed reference: Volume 1516, Page 782 and ORV 299, Page 911,
Columbiana County Records, filed for record on ;

Subject to the following exceptions and comments:

1. A **Mortgage** given by Carl A. Barnett and Lynda K. Barnett, husband and wife to AmerUs Home Lending, Inc., in the face amount of \$130,000.00, dated April 28, 2003 filed for record May 6, 2003 @ 2:36 p.m. and recorded in ORV 1138, Page 156, Columbiana County Records, covering Parcel #1.
2. **Corporation Assignment of the Mortgage** from AmerUs Home Lending, Inc. (Assignor) to M&I Bank, FSB (Assignee) recorded in ORV 1332, Page 481, on December 6, 2004 @ 5:41 p.m., Columbiana County Records.
3. **Corporation Assignment of the Mortgage** from M&I Bank FSB to Sky Bank (Assignee) recorded in ORV 1560, Page 936, on June 11, 2007 @ 1:43:51 p.m., Columbiana County Records.
4. A **Mortgage** given by Carl A. Barnett and Lynda K. Barnett, husband and wife to AmerUs Life Insurance Company in the face amount of \$32,500.00, dated April 28, 2003, filed for record May 6, 2003 @ 2:37 p.m. and recorded in ORV 1138, Page 172, Columbiana County Records, covering Parcel #1.

Daniel J. Mumaw
Attorney at Law
7178 West Boulevard
Youngstown, OH 44512
330-629-8860
Fax 330-629-2480



5. **Corporation Assignment of the Mortgage from AmerUs Life Insurance Company (Assignor) to AmerUs Home Lending, Inc. (Assignee)** recorded in ORV 1138, Page 177, on May 6, 2003 @ 2:36 p.m., Columbiana County Records.
6. **Corporation Assignment of the Mortgage from AmerUs Home Lending, Inc. (Assignor) to JPMorgan Chase Bank, as Grantor Trustee, c/o Residential Funding Corporation (Assignee)** recorded in ORV 1214, Page 900, on November 3, 2003 @ 9:26:45 a.m., Columbiana County Records.
7. **Affidavit of Abandonment** filed for recorded in ORV 1804, Page 230, on June 28, 2011 @ 11:29:02 a.m. Columbiana County Records.
8. **Affidavit of Abandonment** filed for recorded in ORV 1804, Page 233, on June 28, 2011 @ 11:29:29 a.m. Columbiana County Records.
9. **Affidavit of Abandonment** filed for recorded in ORV 1886, Page 149, on June 11, 2012 @ 8:30:27 a.m. Columbiana County Records.
10. **Affidavit of Abandonment** filed for recorded in ORV 1886, Page 152, on June 11, 2012 @ 8:30:45 a.m. Columbiana County Records.
11. **A Notice of Federal Tax Lien** filed against Carl A. Barnett and Lynda K. Barnett in the amount of \$38,739.73, filed for record on June 27, 2011, @ 9:20:39 a.m. and recorded in ORV 1803, Page 933, Columbiana County Records.
12. **A Notice of Federal Tax Lien** filed against Carl A. Barnett and Lynda K. Barnett in the amount of \$44,689.72, filed for record on May 7, 2012, @ 9:33:27 a.m. and recorded in ORV 1878, Page 2, Columbiana County Records.
13. **A Notice of Federal Tax Lien** filed against Carl A. Barnett and Lynda K. Barnett in the amount of \$2,678.52, filed for record on October 10, 2012, @ 8:55:23 a.m. and recorded in ORV 1912, Page 987, Columbiana County Records.
14. **Memorandum of Oil and Gas Lease** executed by Carl A. Barnett and Lynda K. Barnett, husband and wife as lessor and BP America Production Company as lessee, filed for record August 6, 2012 @ 3:11:04 p.m. and recorded in ORV 1900, Page 97. NOTE: No examination was made under the estate created under the above instrument. The Company makes no representation as to the present ownership of this interest.

15. Amendment to the Memorandum of Oil and Gas Lease recorded in ORV 1900, Page 97 was filed for record December 21, 2012 @ 11:06:42 a.m. and recorded in ORV 1930, Page 543. NOTE: No examination was made under the estate created under the above instrument. The Company makes no representation as to the present ownership of this interest.

16. Amendment to the Memorandum of Oil and Gas Lease recorded in ORV 1900, Page 97 was filed for record December 21, 2012 @ 11:09:47 a.m. and recorded in ORV 1930, Page 562. NOTE: No examination was made under the estate created under the above instrument. The Company makes no representation as to the present ownership of this interest.

17. Amendment to the Memorandum of Oil and Gas Lease recorded in ORV 1900, Page 97 was filed for record March 8, 2013 @ 3:29:29 p.m. and recorded in ORV 1946, Page 494. NOTE: No examination was made under the estate created under the above instrument. The Company makes no representation as to the present ownership of this interest.

18. A Judgment, a certified copy of which was recorded November 9, 2012.

Court: Court of Common Pleas of Columbiana County
Case No: 2012 SJ 02637
Debtor: Carl A. Barnett and Lynda
Creditor: State of Ohio Department of Taxation
Amount: \$1,863.44 and any other amounts due thereunder.

19. A Judgment, a certified copy of which was recorded January 18, 2013 in Judgment Lien Docket 102, Page 2013SJ109.

Court: Court of Common Pleas of Columbiana County
Case No: 2013 SJ 00109
Debtor: Carl A. Barnett and Lynda
Creditor: State of Ohio Department of Taxation
Amount: \$4,660.99 and any other amounts due thereunder.

20. A Judgment, a certified copy of which was recorded January 18, 2013.

Court: Court of Common Pleas of Columbiana County
Case No: 2013 SJ 00131
Debtor: Carl A. Barnett and Lynda
Creditor: State of Ohio Department of Taxation
Amount: \$6,150.99 and any other amounts due thereunder.

21. A Judgment, a certified copy of which was recorded January 18, 2013.

Court: Court of Common Pleas of Columbiana County
Case No: 2013 SJ 00133
Debtor: Carl A. Barnett and Lynda
Creditor: State of Ohio Department of Taxation
Amount: \$6,247.10 and any other amounts due thereunder.

22. A Judgment, a certified copy of which was recorded January 18, 2013.

Court: Court of Common Pleas of Columbiana County
Case No: 2013 SJ 00136
Debtor: Carl A. Barnett and Lynda
Creditor: State of Ohio Department of Taxation
Amount: \$2,901.47 and any other amounts due thereunder.

23. Notwithstanding the reference to acreage or square footage in the description set forth in Schedule A hereof, this policy does not insure nor guarantee the acreage or quantity of land set forth therein.

24. Subject to the rights of the public and others, by use or otherwise, in and to any portion of the Land lying within a publicly dedicated highway, road, street or alley.

25. Anything to the contrary notwithstanding, this Policy does not insure the accuracy of dimensions recited within the description of premises described in Schedule A.

26. This is a lien search only, and no examination was made for easements, conditions, reservations, leases, rights of way, covenants and restrictions affecting the described premises.

27. Notwithstanding the reference to the addresses of the buildings as set forth in this Present Owner's Search, this Present Owner's Search does not make an opinion as to location of the buildings on the property or any encroachments therefrom.

28. Description contained in Schedule A does not meet current Columbiana County conveyance standards. Survey may be required on subsequent transfers.

29. Taxes on the 2012 Treasurer's tax duplicate are in the name of Carl A. Barnett and Lynda K. Barnett.

Parcel No. 67-00469000 (8 acres)

Assessed Values: Land \$12,430 Improvements \$18,940 Total 31,370

1st half 2012 taxes-\$554.58-pd., late chg of \$55.46 additional interest & penalty may be due

2nd half 2012 taxes-\$554.58-a lien, not yet due and payable

Note: Above taxes include an amount for special assessments.

Parcel No. 67-00512000 (20 acres)

Assessed Values: Land \$5,250 Improvements \$0.00 Total \$5,250

1st half 2012 taxes -\$94.69-pd., late chg of \$9.47 additional interest & penalty may be due

2nd half 2012 taxes - \$94.69 - a lien, not yet due and payable

Note: Above taxes include an amount for special assessments.

Taxes for the second half of 2012 and thereafter are a lien, not yet due or payable.

No examination has been made for special assessments not appearing on the Treasurer's current tax duplicate. Delinquent utility charges, weed cutting and waste removal charges may become a lien on the subject real estate.

NOTE: Taxes or assessments may be approved, levied or enacted by the State, County, Municipality, Township, or similar taxing authority, but not yet certified to the tax duplicate of the County in which the land is situated, including retroactive increases in taxes or assessments resulting from any retroactive increase in the valuation of the land by the State, County, Municipality, Township or other taxing authority.

OTHER EXCEPTIONS AND COMMENTS:

This real estate lien report provides specific factual information as of the date indicated herein based on a search of the Columbiana County Records. This report contains information found in the instruments indexed under the name(s) of the grantee(s) only since the date of the instrument set forth above as the previous deed reference. The Company specifically limits its liability with respect to the accuracy of this report to a maximum of Three Thousand Dollars (\$3,000.00). This report

does not include information prohibited by FCRA, and is being issued solely as a limited information report in connection with the real estate herein described.

This examination was made May 1, 2013, at 7:59AM.

A handwritten signature in black ink, appearing to read 'Daniel J. Mumaw', is written over a horizontal line.

Mumaw Title Agency, Inc.
Daniel J. Mumaw, Attorney at Law

EXHIBIT A

File: 13-20128

Parcel #1

Situated in the Township of Unity, County of Columbiana, and State of Ohio, and known as being the following described premises, to-wit; and known as part of the south half of the northwest quarter of Section 36, Township 8, Range 1, and bounded and described as follows:

On the north by lands of Dr. Robert Chamberlin's heirs; on the east by lands of Lawrence Norton; on the south by lands of James Thompson; and on the west by lands of John Lawton; and being in width east and west 30 rods and in length north and south $42 \frac{2}{3}$ rods; containing Eight (8) acres of land strict measure.

Parcel #2

Situated in the Township of Unity, County of Columbiana, and State of Ohio: Being part of the Northwest quarter of Section 36, Township 8 and Range 1 and further described as follows: Beginning at the Southeast corner of the Northwest quarter of Section 36, Unity Township, thence North along the quarter section line 20 chains to a point; thence West 10 chains to a point; thence South 20 chains to a point on the quarter section line; thence East 10 chains to the place of beginning, containing 20 acres of land more or less but subject to all legal highways.

Daniel J. Mumaw, Attorney at Law
7178 West Boulevard, Suite A
Youngstown, Ohio 44512
(330) 629-8860
Fax (330) 629-2480
acstitle@zoominternet.net

PRESENT OWNERS SEARCH

To: Attorney Andrew W. Suhar
Mariruth Stewart
P.O. Box 1497
Youngstown OH 44501
Fax: (330) 744-5857

File No. **13-20128-A**

PROPERTY ADDRESS: Jimtown Road
East Palestine, OH 44413

The undersigned certifies that I have examined the records of Columbiana County from November 26, 1991 @ 3:16 pm through May 1, 2013 at 7:59AM, and in my opinion, the fee simple title to the premises described in attached Exhibit A is in:

Carl A. Barnett and Linda Barnett

Previous Deed reference: ORV 299, Page 911, Columbiana County Records, filed for record on November 26, 1991

Subject to the following exceptions and comments:

1. Affidavit of Abandonment filed for recorded in ORV 1804, Page 233, on June 28, 2011 @ 11:29:29 a.m. Columbiana County Records.
2. Affidavit of Abandonment filed for recorded in ORV 1886, Page 152, on June 11, 2012 @ 8:30:45 a.m. Columbiana County Records.
3. A Notice of Federal Tax Lien filed against Carl A. Barnett and Lynda K. Barnett in the amount of \$38,739.73, filed for record on June 27, 2011, @ 9:20:39 a.m. and recorded in ORV 1803, Page 933, Columbiana County Records.
4. A Notice of Federal Tax Lien filed against Carl A. Barnett and Lynda K. Barnett in the amount of \$44,689.72, filed for record on May 7, 2012, @ 9:33:27 a.m. and recorded in ORV 1878, Page 2, Columbiana County Records.

Daniel J. Mumaw
Attorney at Law
7178 West Boulevard
Youngstown, OH 44512

330-629-8860
Fax: 330-629-2480

5. A **Notice of Federal Tax Lien** filed against Carl A. Barnett and Lynda K. Barnett in the amount of \$2,678.52, filed for record on October 10, 2012, @ 8:55:23 a.m. and recorded in ORV 1912, Page 987, Columbiana County Records.
6. Memorandum of Oil and Gas Lease executed by Carl A. Barnett and Lynda K. Barnett, husband and wife as lessor and BP America Production Company as lessee, filed for record August 6, 2012 @ 3:11:04 p.m. and recorded in ORV 1900, Page 97, covering premises caption and more land. NOTE: No examination was made under the estate created under the above instrument. The Company makes no representation as to the present ownership of this interest.
- a. Amendment to the Memorandum of Oil and Gas Lease recorded in ORV 1900, Page 97 was filed for record December 21, 2012 @ 11:06:42 a.m. and recorded in ORV 1930, Page 543. NOTE: No examination was made under the estate created under the above instrument. The Company makes no representation as to the present ownership of this interest.
- b. Amendment to the Memorandum of Oil and Gas Lease recorded in ORV 1900, Page 97 was filed for record December 21, 2012 @ 11:09:47 a.m. and recorded in ORV 1930, Page 562. NOTE: No examination was made under the estate created under the above instrument. The Company makes no representation as to the present ownership of this interest.
- c. Amendment to the Memorandum of Oil and Gas Lease recorded in ORV 1900, Page 97 was filed for record March 8, 2013 @ 3:29:29 p.m. and recorded in ORV 1946, Page 494. NOTE: No examination was made under the estate created under the above instrument. The Company makes no representation as to the present ownership of this interest.
7. A **Judgment**, a certified copy of which was recorded November 9, 2012.
- | | |
|-----------|--|
| Court: | Court of Common Pleas of Columbiana County |
| Case No: | 2012 SJ 02637 |
| Debtor: | Carl A. Barnett and Lynda K. Barnett |
| Creditor: | State of Ohio Department of Taxation |
| Amount: | \$1,863.44 and any other amounts due thereunder. |
8. A **Judgment**, a certified copy of which was recorded January 18, 2013 in Judgment Lien Docket 102, Page 2013SJ109.

Court: Court of Common Pleas of Columbiana County
Case No: 2013 SJ 00109
Debtor: Carl A. Barnett and Lynda K. Barnett
Creditor: State of Ohio Department of Taxation
Amount: \$4,660.99 and any other amounts due thereunder.

9. A **Judgment**, a certified copy of which was recorded January 18, 2013.

Court: Court of Common Pleas of Columbiana County
Case No: 2013 SJ 00131
Debtor: Carl A. Barnett and Lynda K. Barnett
Creditor: State of Ohio Department of Taxation
Amount: \$6,150.99 and any other amounts due thereunder.

10. A **Judgment**, a certified copy of which was recorded January 18, 2013.

Court: Court of Common Pleas of Columbiana County
Case No: 2013 SJ 00133
Debtor: Carl A. Barnett and Lynda K. Barnett
Creditor: State of Ohio Department of Taxation
Amount: \$6,247.10 and any other amounts due thereunder.

11. A **Judgment**, a certified copy of which was recorded January 18, 2013.

Court: Court of Common Pleas of Columbiana County
Case No: 2013 SJ 00136
Debtor: Carl A. Barnett and Lynda K. Barnett
Creditor: State of Ohio Department of Taxation
Amount: \$2,901.47 and any other amounts due thereunder.

12. Subject to the rights of the public and others, by use or otherwise, in and to any portion of the Land lying within a publicly dedicated highway, road, street or alley.
13. This is a lien search only, and no examination was made for easements, conditions, reservations, leases, rights of way, covenants and restrictions affecting the described premises.
14. Notwithstanding the reference to the addresses of the buildings, acreage, or dimensions, as set forth in this Present Owner's Search, this Present Owner's Search does not make an opinion as to location of the buildings on the property or any encroachments, acreage, or dimensions.

15. Description contained in Schedule A does not meet current Columbiana County conveyance standards. Survey may be required on subsequent transfers.

16. Taxes on the 2012 Treasurer's tax duplicate are in the name of Barnett.

Parcel No. 67-00512000 (20 acres)

Assessed Values: Land \$5,250 Improvements \$0.00 Total \$5,250

1st half 2012 taxes -\$94.69-pd., late chg of \$9.47 additional interest & penalty may be due
2nd half 2012 taxes - \$94.69 - a lien, not yet due and payable

Taxes for the second half of 2012 and thereafter are a lien, not yet due or payable.

No examination has been made for special assessments not appearing on the Treasurer's current tax duplicate. Delinquent utility charges, weed cutting and waste removal charges may become a lien on the subject real estate.

NOTE: Taxes or assessments may be approved, levied or enacted by the State, County, Municipality, Township, or similar taxing authority, but not yet certified to the tax duplicate of the County in which the land is situated, including retroactive increases in taxes or assessments resulting from any retroactive increase in the valuation of the land by the State, County, Municipality, Township or other taxing authority.

OTHER EXCEPTIONS AND COMMENTS:

This real estate lien report provides specific factual information as of the date indicated herein based on a search of the Columbiana County Records. This report contains information found in the instruments indexed under the name(s) of the grantee(s) only since the date of the instrument set forth above as the previous deed reference. The Company specifically limits its liability with respect to the accuracy of this report to a maximum of Three Thousand Dollars (\$3,000.00). This report does not include information prohibited by FCRA, and is being issued solely as a limited information report in connection with the real estate herein described.

This examination was made May 1, 2013, at 7:59AM.



Mumaw Title Agency, Inc.
Daniel J. Mumaw, Attorney at Law

EXHIBIT A

File: 13-20128-A

Situated in the Township of Unity, County of Columbiana, and State of Ohio: Being part of the Northwest quarter of Section 36, Township 8 and Range 1 and further described as follows: Beginning at the Southeast corner of the Northwest quarter of Section 36, Unity Township, thence North along the quarter section line 20 chains to a point; thence West 10 chains to a point; thence South 20 chains to a point on the quarter section line; thence East 10 chains to the place of beginning, containing 20 acres of land more or less but subject to all legal highways.

Daniel J. Mumaw, Attorney at Law
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(330) 629-8860
Fax (330) 629-2480
acstitle@zoominternet.net

PRESENT OWNERS SEARCH

To: Attorney Andrew W. Suhar
Mariruth Stewart
P.O. Box 1497
Youngstown OH 44501
Fax: (330) 744-5857

File No. 13-20127

PROPERTY ADDRESS: 5386 Jimtown Road
East Palestine, OH 44413

The undersigned certifies that I have examined the records of Columbiana County from July 23, 1943 through May 1, 2013 at 7:59AM, and in my opinion, the fee simple title to the premises described in attached Exhibit A is in:

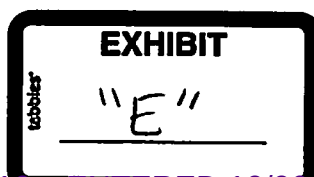
**Carol L. Ratkovich, Larry E. Britton and Lynda K. Barnett
Acquired by Affidavit of Survivorship from Virginia Britton**

Previous Deed reference: ORV 517, Page 01 and ORV 1701, Page 479,
Columbiana County Records;

Subject to the following exceptions and comments:

1. A **Notice of Federal Tax Lien** filed against Carl A. Barnett and Lynda K. Barnett in the amount of \$38,739.73, filed for record on June 27, 2011, @ 9:20:39 a.m. and recorded in ORV 1803, Page 933, Columbiana County Records.
2. A **Notice of Federal Tax Lien** filed against Carl A. Barnett and Lynda K. Barnett in the amount of \$44,689.72, filed for record on May 7, 2012, @ 9:33:27 a.m. and recorded in ORV 1878, Page 2, Columbiana County Records.
3. A **Notice of Federal Tax Lien** filed against Carl A. Barnett and Lynda K. Barnett in the amount of \$2,678.52, filed for record on October 10, 2012, @

*Daniel J. Mumaw
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8:55:23 a.m. and recorded in ORV 1912, Page 987, Columbiana County Records.

4. A Judgment, a certified copy of which was recorded November 9, 2012.

Court: Court of Common Pleas of Columbiana County
Case No: 2012 SJ 02637
Debtor: Carl A. Barnett and Lynda
Creditor: State of Ohio Department of Taxation
Amount: \$1,863.44 and any other amounts due thereunder.

5. A Judgment, a certified copy of which was recorded January 18, 2013 in Judgment Lien Docket 102.

Court: Court of Common Pleas of Columbiana County
Case No: 2013 SJ 00109
Debtor: Carl A. Barnett and Lynda
Creditor: State of Ohio Department of Taxation
Amount: \$4,660.99 and any other amounts due thereunder.

6. A Judgment, a certified copy of which was recorded January 18, 2013.

Court: Court of Common Pleas of Columbiana County
Case No: 2013 SJ 00131
Debtor: Carl A. Barnett and Lynda
Creditor: State of Ohio Department of Taxation
Amount: \$6,150.99 and any other amounts due thereunder.

7. A Judgment, a certified copy of which was recorded January 18, 2013.

Court: Court of Common Pleas of Columbiana County
Case No: 2013 SJ 00133
Debtor: Carl A. Barnett and Lynda
Creditor: State of Ohio Department of Taxation
Amount: \$6,247.10 and any other amounts due thereunder.

8. A Judgment, a certified copy of which was recorded January 18, 2013.

Court: Court of Common Pleas of Columbiana County
Case No: 2013 SJ 00136
Debtor: Carl A. Barnett and Lynda
Creditor: State of Ohio Department of Taxation
Amount: \$2,901.47 and any other amounts due thereunder.

9. A **Judgment**, a certified copy of which was recorded February 13, 2009 in Volume 79, Page 09SJ370.

Court: Court of Common Pleas of Columbiana County
Case No: 09 SJ 370
Debtor: Virginia Britton
Creditor: State of Ohio Office of the Attorney General
Amount: \$158,273.04 and any other amounts due thereunder.

10. Notwithstanding the reference to acreage or square footage in the description set forth in Schedule A hereof, this policy does not insure nor guarantee the acreage or quantity of land set forth therein.
11. Subject to the rights of the public and others, by use or otherwise, in and to any portion of the Land lying within a publicly dedicated highway, road, street or alley.
12. Anything to the contrary notwithstanding, this Policy does not insure the accuracy of dimensions recited within the description of premises described in Schedule A.
13. This is a lien search only, and no examination was made for easements, conditions, reservations, leases, rights of way, covenants and restrictions affecting the described premises.
14. Notwithstanding the reference to the addresses of the buildings as set forth in this Present Owner's Search, this Present Owner's Search does not make an opinion as to location of the buildings on the property or any encroachments therefrom.
15. Description contained in Schedule A does not meet current Columbiana County conveyance standards. Survey may be required on subsequent transfers.
16. Taxes on the 2012 Treasurer's tax duplicate are in the name of Carol L. Ratkovich et al.

Parcel No. 67-00098.000

Assessed Values: Land \$6,300 Improvements \$9,420 Total \$15,720

1st half 2012 taxes-\$ 283.53-pd., late chg of \$28.35 additional interest & penalty may be due

2nd half 2012 taxes - \$ 283.53- a lien, not yet due and payable

Note: Above taxes include an amount for special assessments.

Taxes for the second half of 2012 and thereafter are a lien, not yet due or payable.

No examination has been made for special assessments not appearing on the Treasurer's current tax duplicate. Delinquent utility charges, weed cutting and waste removal charges may become a lien on the subject real estate.

NOTE: Taxes or assessments may be approved, levied or enacted by the State, County, Municipality, Township, or similar taxing authority, but not yet certified to the tax duplicate of the County in which the land is situated, including retroactive increases in taxes or assessments resulting from any retroactive increase in the valuation of the land by the State, County, Municipality, Township or other taxing authority.

OTHER EXCEPTIONS AND COMMENTS:

This real estate lien report provides specific factual information as of the date indicated herein based on a search of the Columbiana County Records. This report contains information found in the instruments indexed under the name(s) of the grantee(s) only since the date of the instrument set forth above as the previous deed reference. The Company specifically limits its liability with respect to the accuracy of this report to a maximum of Three Thousand Dollars (\$3,000.00). This report does not include information prohibited by FCRA, and is being issued solely as a limited information report in connection with the real estate herein described.

This examination was made May 1, 2013, at 7:59AM.



Mumaw Title Agency, Inc.
Daniel J. Mumaw, Attorney at Law

EXHIBIT A

File: 13-20127

Situated in the Township of Unity, County of Columbiana, and State of Ohio, and known as a part of the South half of the Northwest quarter of Section 36, Township 8, Range 1 and bounded and described as follows, to-wit: Beginning at the Northwest corner of land owned by John Frankland and wife, said corner being $22\frac{1}{2}$ rods North of the South line of said Northwest quarter, thence North 14.83 rods to the South line of lands now owned by said grantors; thence East 10.79 rods to a corner, thence South 14.83 rods to a corner; thence West 10.79 rods to the place of beginning, containing One (1) acre of land.